		PLD-C-001
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):		FOR COURT USE ONLY
FLINT C. ZIDE LAW OFFICE OF HARRIS & ZIDE		
1445 HUNTINGTON DR., SUITE 300/STATE B	AR NO. 160369	
1445 HUNTINGTON DRIVE, SUITE 300		RMORSED
SOUTH PASADENA, CA 91030 TELEPHONE NO: 626-799-8444 FAX NO. (Optional): 626	5-799-8419	DIRLUCARDIA
E-MAIL ADDRESS (Optional):		
ATTORNEY FOR (Name):		2014 DEC 26 P 1: 51
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA C	LARA	
STREET ADDRESS: 191 NORTH 1ST STREET		Da Ad H. Hamasa A. Olah etiki 9 Subatik Olah 1
MAILING ADDRESS: CITY AND ZIP CODE: SAN JOSE CA 95113		ACKA .
BRANCH NAME: SAN JOSE COURTHOUSE		S. ACKARDAGE
PLAINTIFF: DISCOVER BANK		
DEFENDANT: KATHERINE R DELACRUZ		
X DOES 1 TO 5, INCLUSIVE		
CONTRACT		
X COMPLAINT AMENDED COMPLAINT (Nui	mber):	
CROSS-COMPLAINT AMENDED CROSS-COMPLA	INT (Number):	
Jurisdiction (check all that apply):		CASE NUMBER:
X ACTION IS A LIMITED CIVIL CASE		
Amount demanded X does not exceed \$10,000		
exceeds \$10,000, but does		114CV274968
ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,00 ACTION IS RECLASSIFIED by this amended complaint	or cross-complaint	- "
from limited to unlimited	o, 0,000 00p.av	
from unlimited to limited		
1. Plaintiff* (name or names): DISCOVER BANK		
alleges causes of action against defendant* (name or names):	KATHERINE R DELACRUZ	Z
O This who have including attachments and publishe pagaints of the	ha fallowing number of pages:	5
<ul><li>2. This pleading, including attachments and exhibits, consists of t</li><li>3. a. Each plaintiff named above is a competent adult</li></ul>	ne following number of pages.	,
a. Each plaintiff named above is a competent addit     X except plaintiff (name): DISCOVER BANK		
except plaintin (name). DISCOVER BANK		EXHIBIT
(1) a corporation qualified to do business in Californ	ia	is 2
(2) an unincorporated entity (describe):		Labbles'
(3) X other (specify): NATIONAL ASSOCIATION	I	
b. Plaintiff (name):  a. has complied with the fictitious business name la	aws and is doing husiness under	the fictitious name (specify):
a has complied with the fictitious business name is	awa ana ia donig baameaa ander	are nondode name (apoemy).
b. has complied with all licensing requirements as	a licensed (specify):	
c Information about additional plaintiffs who are not com	petent adults is shown in Attachr	ment 3c.
4. a. Each defendant named above is a natural person		
except defendant (name):	except defendant (name):	
(1) a business organization, form unknown	(1) a business organ	ization, form unknown
(2) a corporation	(2) a corporation	
(3) an unincorporated entity (describe):		d entity (describe):
, , ——————————————————————————————————		
(4) a public entity (describe):	(4) a public entity (de	escribe):
(5) other (specify):	(5) other (specify):	
	ne rines, mmnlainant and defendant means cross	-defendant. Page 1 of 2
* If this form is used as a cross-complaint, plaintiff mear Form Approved for Optional Use	ns cross-complainant and detendant means cross	Code of Civil Procedure, § 425.12

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	PLD-C-001
SHORT TITLEDISCOVER BANK VS. KATHERINE R DELACRUZ	CASE NUMBER:
defendants and acted within the scope of that agency or employment.	agents or employees of the named ons whose capacities are unknown to
d. Defendants who are joined under Code of Civil Procedure section 382 are (names).	
<ul> <li>Plaintiff is required to comply with a claims statute, and</li> <li>a has complied with applicable claims statutes, or</li> <li>b is excused from complying because (specify):</li> </ul>	
6. This action is subject to Civil Code section 1812.10 Civil Code section 27. This court is the proper court because a. a defendant entered into the contract here. b. a defendant lived here when the contract was entered into. c. X a defendant lives here now. d. the contract was to be performed here. e. a defendant is a corporation or unincorporated association and its principal place of f. real property that is the subject of this action is located here. g. X other (specify): CCP 395 (B)	
<ol> <li>The following causes of action are attached and the statements above apply to each (each comore causes of action attached):</li> <li>Breach of Contract</li> <li>Common Counts</li> <li>Other (specify):</li> </ol>	complaint must have one or
9. Other allegations:	
10. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and a. X damages of: \$\$8,071.15 b. interest on the damages (1) according to proof (2) at the rate of (specify): percent per year from (date): c. attorney's fees (1) of: \$ (2) according to proof. d. X other (specify): SUCH OTHER RELIEF AS THE COURT DEEMS PROPER.	d for
11. $\overline{X}$ The paragraphs of this pleading alleged on information and belief are as follows (speciform 1, 4, 7	ry paragraph numbers):
Date: October 9, 2014	
FLINT C. ZIDE  (TYPE OR SPINT NAME)  (SIGNATION	IRE OF DI AINTIFE OF ATTORNEY
(TYPE OR PRINT NAME) (SIGNATU (If you wish to verify this pleading, affix a verification.)	JRE OF PLAINTIFF OR ATTORNEY)

PLD-C-001(2)

SHORT TITLE: DISCOVER BANK VS. KATHERINE R DELACRUZ	CASE NUMBER:
FIRST CAUSE OF ACTION—Common Counts	
ATTACHMENT TO X Complaint Cross - Complaint	
(Use a separate cause of action form for each cause of action.)	
CC-1. Plaintiff (name): DISCOVER BANK	
alleges that defendant (name): KATHERINE R DELACRUZ	
became indebted to X plaintiff other (name):	
<ul> <li>a.</li></ul>	ntiff and defendant in which it
<ul> <li>b.</li></ul>	
the reasonable value.  (3) the reasonable value.  for goods, wares, and merchandise sold and delivered to defer promised to pay plaintiff  the sum of \$ the reasonable value.	ndant and for which defendant
<ul> <li>(4) X for money lent by plaintiff to defendant at defendant's request.</li> <li>(5) X for money paid, laid out, and expended to or for defendant at defe</li></ul>	lefendant's special instance and
•	
CC-2. \$ , which is the reasonable value, is due and u	
plus prejudgment interest according to proof at the rate of	percent per year
from (date):	
CC-3. Plaintiff is entitled to attorney fees by an agreement or a statute  of \$ according to proof.	
CC-4. X Other: \$8,071.15, WHICH IS THE FIXED AND AGREED AMODESPITE PLAINTIFF'S DEMAND.	DUNT, IS DUE AND UNPAID
	<b>Page</b> 3

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	PLD-C-001(1)
RT TITLE: DISCOVER BANK VS. KATHERINE R DELACRUZ	CASE NUMBER:
SECOND (number) CAUSE OF ACTION—Breach of Contract	
ATTACHMENT TO X Complaint Cross - Complaint	
(Use a separate cause of action form for each cause of action.)	
BC-1. Plaintiff (name): DISCOVER BANK	
alleges that on or about (date): OCTOBER 8, 2000  a X written oral other (specify): agreement was made between (name parties to agreement): DISCOVER BAI	NK & KATHERINE R DELAC
A copy of the agreement is attached as Exhibit A, or The essential terms of the agreement are stated in Attachment BC-1 PLAINTIFF, OR PLAINTIFF'S PREDECESSOR IN INTEREST AGREEMENT WITH DEFENDANT(S) FOR THE ACCOUNT END WOULD BE EXTENDED BY PLAINTIFF TO DEFENDANT(S), AND SERVICES WOULD BE PROVIDED, AND/OR MONEY WOUDEFENDANT'S REQUEST. IN CONSIDERATION, DEFENDANT PLAINTIFF THE SUMS ADVANCED.	ST, EXTENDED INTO A WRITING IN 0389, WHEREBY CRI SERVICES RENDERED, GOOI ULD BE EXTENDED AT
BC-2. On or about (dates): NOVEMBER 30, 2012 defendant breached the agreement by the acts specified in Attachment (specify): DEFENDANT(S) FAILED TO REPAY THE SUMS DUE	= :
<ul> <li>BC-3. Plaintiff has performed all obligations to defendant except those obligations plainting excused from performing.</li> <li>BC-4. Plaintiff suffered damages legally (proximately) caused by defendant's breach of to a stated in Attachment BC-4.</li> <li>X as follows (specify): \$8,071.15.</li> </ul>	he agreement
BC-5. Plaintiff is entitled to attorney fees by an agreement or a statute of \$ according to proof.  BC-6. Other:	
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